

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK**

PEDRO CABRERA,
on behalf of himself, FLSA Collective
Plaintiffs and the Class,

X
14 CV 5599

Plaintiff,

-against-

GLENOAK ENTERPRISES LLC, et al.,

Defendants.

X
**STIPULATION OF
CONDITIONAL COLLECTIVE
CERTIFICATION**

IT IS HEREBY STIPULATED AND AGREED, by and between the Parties in the above captioned action, acting by means of their respective counsel, and with the approval of the Court that:

(1) The plaintiff's claims brought pursuant to the Fair Labor Standards Act, as amended, 29 U.S.C. §§ 201, *et seq.* ("FLSA"), as set forth in Count I of the plaintiff's complaint, are hereby conditionally certified as a collective action pursuant to 29 U.S.C. § 216(b);

(2) The scope of potential opt-in plaintiffs for the conditionally certified FLSA collective action shall consist of all non-exempt car wash workers (including car washers, car vacuumers and car driers) employed by Glenoak Enterprises LLC from January 23, 2012 through January 23, 2015 at their "2000 Hand Car Wash" located at 17504 Horace Harding Expressway, Fresh Meadows, NY 11365;

(3) The plaintiff shall not subsequently seek to expand or amend the scope of the FLSA collective action to include any employees of Phenomena Wash, Ltd.

employed at their “Savvy Car Wash” located at 17312 Horace Harding Expressway, Fresh Meadows, NY 11365;

(4) Nothing herein shall prevent the defendants from continuing to assert in connection with this action that a two-year statute of limitations should apply to the plaintiff's and any potential opt-in plaintiffs' FLSA claims;

(5) Within fifteen (15) days following Court approval of this stipulation, the defendants shall provide counsel for the plaintiff with a list, in Microsoft Excel format, of the names, job titles, last known mailing addresses, email addresses, telephone numbers and dates of employment for all non-exempt car wash workers (including car washers, car vacuumers and car driers) employed by Glenoak Enterprises LLC from January 23, 2012 through January 23, 2015 at their “2000 Hand Car Wash” located at 17504 Horace Harding Expressway, Fresh Meadows, NY 11365. In the event notices mailed are returned as undeliverable, defendants shall expediently provide counsel for the plaintiff with the tax identification numbers for those individuals whose mails were returned as undeliverable;

(6) The document attached hereto as Exhibit A entitled “Notice of Pendency of Lawsuit Regarding Wages” and the separate document attached hereto as Exhibit B entitled “Consent to Sue Form” are both hereby approved by the Court for mailing to the potential collective action opt-in plaintiffs as set forth in paragraph 2, above;

(7) Within ten (10) days of receiving the list set forth in paragraph 5, above, plaintiff's counsel will mail copies of the “Notice of Pendency of Lawsuit Regarding Wages” (Exhibit A) and the “Consent to Sue Form” (Exhibit B), together with a Spanish translation of both forms to be reviewed and agreed upon as to the accuracy of the translation by all parties, to all of the employees included in the list in a single mailing.

The notices shall all bear the exact date of such mailing, and the opt-in deadline date inserted in each of the notices shall be the date exactly sixty (60) days thereafter;

(8) Any potential FLSA collective action opt-in plaintiffs must opt in no later than sixty (60) days following the date of the mailing of the collective action notice by returning the executed “Consent to Sue Form” (Exhibit B) in sufficient time for it to be filed with the Court no later than sixty (60) days from the date of the mailing.

(9) Defendants agree to post a copy of the collective certification notice, along with the consent form, in an area suitable for viewing by employees at the 2000 Hand Car Wash.

For the Defendants:

By:

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Date:

February 3, 2015

SO ORDERED.

Dated: Brooklyn, New York

- 2015

For the Plaintiff:

By:

~~C.K. Lee, Esq.~~
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Date:

Feb 3, 2015